

**Method of Operation
for
Software License, Maintenance, Support and Related Services Contract
For State Cooperative Purchasing Agencies**

1.0 Purpose and Intent

The purpose of this contract is to provide State Cooperative Purchasing Partners with a mechanism to purchase software products and associated services. There is a separate Notice of Award and Method of Operation for State Agencies.

The State of New Jersey has joined the Commonwealth of Massachusetts purchasing cooperative, along with five (5) other states, to leverage its software buying power and achieve significant cost savings for taxpayers.

In October 2008, New Jersey signed a Participating Addendum with ASAP Software Express (“ASAP”). The Participating Addendum is a contractual document stipulating New Jersey-specific terms and conditions. In February 2009, a change was made and the contract assigned to Dell Marketing (Dell), LP, the owner of ASAP Software Express.

2.0 Contract Number and Term

The State contract number is A72727, Term # M-0003. The current expiration date is June 30, 2009.

3.0 Method of Operation

The Dell software portfolio includes 150,000 plus titles from nearly 2,000 publishers. Dell utilizes an e-catalog tool called “Tracker” to search for available software, quotation and purchase information. If a software title that an agency needs is not listed, the agency must contact a Dell representative via phone or email. Dell will contact the publisher and if agreed upon, Dell Marketing may add it to its catalog and provide a quotation to the agency.

The link for the NJ Dell Marketing Software Contract is:

<https://portal.asap.com/en-US/Pages/StateLocal/NJ/default.aspx?tbn=IT&MnID=19&lvl=3>

The software products formerly available under the State Volume License Agreements with Microsoft (Academic, Select and Enterprise) and Corel Corporation will now be available under this contract. As the State’s other volume purchase agreements with major software publishers’ resellers expire, those software agreements may be added to this contract.

The agency must obtain a quote from Dell, through either the website or from a Dell representative, for products and services and then issue the purchase order directly to Dell. **Please note, for all purchases under this contract, the Purchase Order will be issued directly to Dell. In addition, it is recommended that agencies directly contact a Dell representative for assistance with purchases before issuing a Purchase Order. This will ensure that the agency is ordering the appropriate**

products and services to meet its needs.

4.0 Delivery

The Dell contract has an estimated delivery time of ten (10) days of receipt of an order. There may be cases where Dell needs to purchase the software from a publisher that it does not currently carry in its catalog. Those orders should be fulfilled within thirty (30) days.

5.0 Reporting

Dell uses the web tool, "Tracker", for scheduled and ad hoc reporting purposes. Tracker will provide detailed reports on spend, inventory for license deployment and compliance, and maintenance expiration/renewal dates.

6.0 Pricing

Pricing under the contract is at pre-negotiated mark-ups over the cost to the vendor, ranging from 0% to 2% for software and 2% for all services.

Fixed Markup by Software Publishers

Name	% Markup	Name	% Markup
Microsoft	0.00%	Employon	1.00%
Quest	0.25%	Hummingbird	1.00%
Symantec	0.25%	IBM/Lotus	1.00%
Corel	0.40%	Internet Security Systems	1.00%
Adobe	0.50%	SAS Institute	1.00%
Business Objects	0.50%	Strohl Systems	1.00%
McAfee/Network Associates	0.50%	VMware	1.00%
WRQ/Attachmate	0.50%	WinZip	1.00%
Citrix	1.00%	All other publishers	2.00%
DataMetrix	1.00%		

Services (Training, Installation, Implementation, Support) – 2.00% markup

This contract includes a \$2,500.00 cap on the markup of any single software invoice for services.

6.1 Limitations and Exceptions

This contract does not apply to the purchase of the following elements

- Proprietary software (not available through Dell)
- Hewlett-Packard (HP) software. HP software must be purchased via the State WSCA hardware (M0483) contract, or through a separate procurement.

- While Citrix software license maybe purchased through this contract, Citrix Subscription Advantage is no longer available from any reseller and must be obtained directly from Citrix proprietary goods procurement procedures.
- Novell software. Novell software must be purchased through contract #T-1421
- On Demand, Utility Computing, Software as a Service (SaaS), consulting, staff augmentation, hosted or managed services are not available under this contract.

7.0 Services

The Dell Software Contract provides services for software, which include installation, configuration, implementation, training, support and maintenance. The aforementioned services may be provided by the software publisher or an authorized partner of the publisher.

NOTE: This contract excludes software that requires major customization. If an agency is in need of such services, a separate procurement pursuant to the agency's procurement law must be issued for that particular purchase

8.0 Contract Categories/Line Items

This contract contains fifty-two (52) line items. The line items are grouped as follows:

- Line #01 – #48 – license (major and minor categories)
- Line #49 – maintenance, upgrade and/or update
- Line #50 – installation, configuration and/or implementation
- Line #51 – support
- Line #52 – training

The detailed contract line items are specified on the Notice of Award. To ensure an appropriate audit trail, agencies should list the contract line number on the purchase order for each item procured.

Agencies must simply specify the type of license on the purchase order in the description field or area. The list below will assist each agency with determining the type of software license to be procured for metrics and compliance purposes.

Due to software industry transformation, the State reserves the rights to add, modify and/or delete any line items as necessary to better align with technology and methodologies.

Type and Description of Software Licenses	
Type	Description
Client access license (CAL)	Permits client computers to connect to server software.
Commercial off the Shelf (COTS); End User License Agreement (EULA), "Shrink-wrap" or "Click-wrap"	Ready-made and available for sale, lease, or license to the general public; alternative products to in-house developed software.

Type and Description of Software Licenses	
Type	Description
Concurrent or metered (floating or network)	Based on the number of simultaneous users -- regardless of which individuals are-- accessing the program with SW running in the server where users connect via the network; limits the number of users running an application from a centralized source (server) based on the current license agreement.
Financial metric	Payment based on revenue, cost, royalty, etc.
Hardware	License required to use an appliance or other piece of HW.
Network licensing	Permits a specified number of copies of an application to run concurrently on a network.
Open source; General Public License (GPL) or license-free	The GNU General Public License is a free license for software. General Public License is intended to guarantee freedom to share and change all versions of a program and also to make sure it remains free software for all its users, even after modification.
Perpetual	The continuing right to access digital information after the termination of a license agreement; a license with no expiration date. However, support or upgrade must be purchased separately;
Processor	Software licenses by the physical number of processors (NOT cores) on a server or workstation.
Processor core	Separate license for each processor core.
Restricted	As is usually the case with proprietary software licenses, this license contains an extensive list of activities which are restricted, such as: reverse engineering simultaneous use of the software by multiple users, and publication of benchmarks or performance tests.
Seat; named user	Based on the number of individual users who have access to the software.
Seat; per machine (desktop PC, notebook PC) or per server	Based on the number of machines that have access to the software.
Term, lease or subscription	Based on monthly, annual, or limited term as agreed upon during purchase
Trial or limited time evaluation	Limited to specific trial period; may or may not be deployed into production for testing or pilot purpose.

Type and Description of Software Licenses	
Type	Description
License; unrestricted	Grants unrestricted rights to copy, use, modify, and redistribute modified copies as long as a copy of the copyright and license terms is retained in all modified versions.
Usage metric	Based on number of uses, time used, # of transactions, etc.
Site	Practice of restricting the use of a particular piece of software by physical site rather than by, e.g. number of copies in use. However, the term "site license" is now commonly used to describe licensing of software to a particular entity which is unrestricted by number, regardless of the physical locations where the software may be used.

9.0 Contractor Contacts

- Patrick Lunde
Inside Sales Representative
patrick_lunde@dell.com 800-988-4891
- Jason Jarvis
Inside Sales Manager
jason_jarvis@dell.com 224-543-5325
- Bill Fink
Account Executive
william_fink@dell.com 773-617-9563
- Bill Kluth
Global Account Executive
william_kluth@dell.com 224-543-5236
- Alison Turner
Sr. Regional Sales Manager, State and Local
alison_turner@dell.com
- Randy Lee
Sr. Group Sales Manager, Public Sector
randy_lee@dell.com